

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 17-30 are pending. Claims 17 and 24, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment can be found throughout the Specification as originally filed and specifically on page 21. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(e)**

Claims 17-30 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,698,020 to Zigmond, et al. (hereinafter, merely "Zigmond").

Claim 17 recites, *inter alia*:

"An information receiving device...comprising:

condition setting means for the viewer to set display conditions for the commercial information;

**wherein said display conditions include an option to not display any commercial information such that only program information is displayed.**" (Emphasis added)

As understood by Applicant, Zigmond relates to a system and method for selecting and inserting advertisements into a video programming feed at the household level. An advertisement insertion device in a home entertainment system receives a plurality of advertisements from an advertisement source. The advertisement insertion device selects one of the advertisements for display to a viewer according to advertisement selection criteria combined with viewer and system information. The video programming is displayed to a viewer while the advertisement insertion device monitors the programming feed for a triggering event indicating an appropriate time to display the selected advertisement. At the appropriate time, the video programming feed is interrupted and the selected advertisement is displayed.

Applicant respectfully submits that nothing has been found in Zigmond that would teach or suggest the above-identified features of claim 17. Specifically, Zigmond does not teach or suggest an information receiving device, comprising condition setting means for the viewer to set display conditions for the commercial information wherein said display conditions include an option to not display any commercial information such that only program information is displayed, as recited in independent claim 17.

Therefore, Applicant respectfully submits that independent claim 17 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 17, independent claim 24 is also believed to be patentable.

### III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention,

however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portion, or portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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